

AMENDED IN ASSEMBLY APRIL 26, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1180

Introduced by Assembly Member Torrico

February 22, 2005

An act to amend Sections 19582.5, and 19612.9 of, to add Section 19481.3 to, and to add Article 4.5 (commencing with Section 19500) to Chapter 4 of Division 8 of, the Business and Professions Code, relating to horse racing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1180, as amended, Torrico. Horse racing: jockeys.

Existing law, the Horse Racing Law, generally regulates horse racing. The California Horse Racing Board administers horse racing regulations. The board licenses jockeys. Violations of the Horse Racing Law are generally misdemeanors.

This bill would prohibit jockeys from being required to waive their legal rights as a condition of obtaining insurance coverage through any racetrack, association, or other horse racing entity. The bill would also ~~prohibit jockeys from being required, as a condition of riding in a race, to exercise a horse prior to the commencement of the race, unless it is voluntary and he or she is compensated, as specified~~ *provide that a jockey who agrees to exercise a racehorse shall be paid no less than the standard rate paid to exercise riders, unless the jockey has been employed to ride that horse in a parimutuel race.* Further, this bill would require jockeys be compensated for a race if they are removed after accepting the mount and being named on the overnight roster, unless just cause exists, as defined.

The bill would preclude horses from being ridden at a racetrack unless the rider ~~is and horse are~~ equipped with specified safety

equipment. The bill would also prescribe the minimum jockey weight for various types of horse racing, and identify terms and procedures to be used in implementation of the weighing requirements.

Existing law requires the board establish safety standards governing the race tracks, equipment, medical services, and other facilities to ensure the safety of horses, riders, and workers at the racetrack.

This bill would require every association, as supervised by the board, to maintain specified equipment and staff for an on-track first aid facility. Further, every racetrack would be required to maintain plans and contact with area hospitals to coordinate procedures for emergency hospital treatment, to designate and have on duty a health and safety manager to ensure compliance with these provisions, and to prepare reports on all *known* accidents that occur and are investigated at the racetrack. The reports would be signed under penalty of perjury.

Existing law prohibits entry in a race of a horse that tests positive for drug substances, as specified. A positive drug test disqualifies a horse from a race and requires any purse or award be forfeited.

This bill would permit a jockey to receive fees and pay, as specified, if the horse the jockey was engaged to ride tests positive for a prohibited substance, unless the board determines the jockey administered the substance.

Existing law requires unclaimed refunds to be distributed to the horsemen's or horsewomen's organization responsible for negotiating the purse, satellite, and other business agreements, for specified purposes, on behalf of the horsemen and horsewomen participating in the racing meeting.

This bill would direct unclaimed refunds be distributed to the board, rather than the horsemen's and horsewomen's organization.

By imposing new requirements on licensees under the Horse Racing Law, the violation of which would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 19481.3 is added to the Business and Professions Code, to read:

19481.3. (a) Every association licensed pursuant to this article shall maintain, staff, and supply an ontrack first aid facility, that may be either permanent or mobile. This facility shall include *low dosage* Xray equipment. A board certified physician shall be on duty at all times during live racing. An ambulance licensed to operate on public highways provided by the track shall be available at all times during live racing and shall be staffed by two emergency medical technicians licensed in accordance with Division 2.5 (commencing with Section 1797) of the Health and Safety Code, one of whom shall be an Emergency Medical TechnicianParamedic, as defined in Section 1797.84 of the Health and Safety Code.

(b) Each association shall maintain an emergency medical plan detailing the procedures that shall be used in the event of an on-track injury. The plan shall be posted in each jockey room in English and Spanish.

(c) Prior to every race meeting, the association shall contact area hospitals to coordinate procedures for the rapid admittance and treatment of emergency injuries.

(d) Each association shall designate a health and safety manager and assistant manager, who shall be responsible for compliance with the provisions of this section and shall be on duty at all times when live racing is conducted and during training hours.

(e) Each association shall investigate and prepare a report with respect to all accidents *that the association has been made aware of* involving jockeys *that occur during the performance of their duties*. The report shall, at a minimum, identify the circumstances of the accident, the likely causes, and the extent of any injuries. It shall be prepared and signed, under penalty of perjury, by the health and safety manager on duty at the time of the accident. The report shall be completed no later than 24 hours following the accident. Upon completion of the report, it shall immediately be sent by facsimile or electronic mail to the board, the entity certified to provide health and welfare for jockeys pursuant to Section 19612.9, and to the jockey or his or her representative.

SEC. 2. Article 4.5 (commencing with Section 19500) is added to Chapter 4 of Division 8 of the Business and Professions Code, to read:

Article 4.5. Jockeys

19500. (a) No jockey shall be required to execute a waiver of legal rights as a condition of obtaining disability insurance coverage provided through an agreement with a racetrack, association, or any other entity licensed under this chapter.

(b) Any waiver of legal rights referred to in subdivision (a) existing on the effective date of this section shall be void as against public policy.

19502. (a) (1) ~~No jockey, as a condition of being employed to ride a racehorse in a parimutuel race, shall be required to exercise a horse prior to the commencement of the race. A jockey who agrees to exercise a racehorse shall be paid no less than the standard rate that is paid to exercise riders unless the jockey has been employed to ride that race horse in a parimutuel race. If there is a dispute over the standard rate for exercising a horse, the steward shall determine the rate.~~

~~(2) A jockey who agrees to act as an exercise rider shall be compensated separately and in addition to any mount fee or performance pay that is due the jockey for riding in a parimutuel horse race.~~

~~(3)~~

(2) No person, including any owner, trainer, employee, or officer of any association, shall coerce or intimidate any jockey into agreeing to exercise a racehorse prior to the commencement of a race for less than the standard rate.

~~(4) Every jockey shall be paid no less than the standard rate for exercising a horse that exercise riders are paid at the same meet. If there is a dispute over the standard rate for exercising a horse, the steward shall determine the rate.~~

(b) (1) Except for just cause, any jockey who has received a request from a trainer to accept a mount, has accepted that mount, and is named on the overnight roster as the designated jockey for that mount, shall be paid the applicable jockey mount fee if the jockey is removed from the mount by the trainer prior to scratch time.

(2) Except for just cause, if a trainer removes a jockey from a mount after scratch time and substitutes another jockey, both jockeys shall be paid the full jockey mount fee and full ~~performance pay~~ *riding fee* that is owed to the jockey that actually completes the race.

(3) The applicable jockey mount fee is due and payable when the jockey is weighed out by the clerk of the scales immediately prior to a race.

(c) The paymaster of the association shall not withhold any sum from a jockey's compensation except with the permission of the jockey *or upon order of the board*.

(d) For the purposes of this section the following definitions apply:

(1) "Just cause" means that the jockey has been removed from the mount by action of the board for a violation of a regulation.

(2) "Overnight roster" means the schedule of races published by the racing secretary ~~within 48 hours prior to the commencement of a race~~ *after the close of entries*.

(3) "Scratch time" means the time designated by the racing secretary when final changes in racing programs must be made.

(4) ~~"Performance pay"~~ *"Riding fee"* means the amount of money, whether calculated as a percentage of the purse or by any other means, that is due to a jockey in addition to the jockey mount fee as a result of the performance of a racehorse in a race.

(5) "Mount fee" is the fee that is paid a jockey who accepts a mount on a race horse.

19504. (a) ~~No horse~~ *racehorse* shall be ridden at a racetrack unless the rider is equipped with a safety helmet, safety vest, and *the horse is equipped with* safety reins *that meet or exceed the standards established by recognized national or international standards organizations*.

~~(b) For the purposes of this section, the following definitions apply:~~

~~(1) "Safety helmet" means a horse racing riding helmet that meets or exceeds current American Society for Testing and Materials standards and has been in use by the rider for two years or less.~~

~~(2) "Safety vest" means a horse racing vest that meets or exceeds shock absorbeney standards established by the board.~~

1 ~~(3) “Safety reins” means a type of rein that is reinforced with~~
2 ~~a wire or nylon cable running through the core of the rein that is~~
3 ~~attached to the bit that enables the rider to maintain control of the~~
4 ~~horse should the reins break.~~

5 ~~(e)~~

6 (b) The board shall approve all safety helmets, safety vests,
7 and safety reins in use at a racetrack.

8 19506. (a) The scale of weights for horse racing established
9 by the board shall provide that the minimum jockey weight for a
10 jockey riding an Arabian or thoroughbred horse shall be no less
11 than ~~118~~ ____ pounds and the minimum jockey weight for a
12 jockey riding an Appaloosa, Paint, quarter horse, or mule shall be
13 no less than ~~123~~ ____ pounds.

14 (b) Every horse shall carry a minimum of 10 pounds of riding
15 gear from the withers to the rump.

16 (c) Riding gear shall be weighed with the jockey when the
17 jockey weighs out immediately before the race and weighs in
18 after the race is concluded.

19 (d) The clerk of scales shall weigh and record the jockey
20 weight once each day when the jockey reports to the jockey’s
21 room.

22 (e) The official program of the race shall include the following
23 notice: “In addition to the listed jockey weight, all horses carry a
24 minimum of 10 pounds of riding gear from the withers to the
25 rump.”

26 (f) Jockeys shall maintain a minimum body fat content
27 consistent with the standards established by the American
28 College of Sports Medicine, which shall be measured and
29 recorded, on a device approved by the board, by the clerk of
30 scales once each day on which a jockey races. A jockey whose
31 body fat content measures up to 1 percent below the minimum
32 level shall be placed on warning and, if the minimum level is not
33 met within three days, suspended from riding. A jockey whose
34 body fat content measures more than 1 percent below the
35 minimum level shall be suspended from riding until the
36 minimum level is met. This subdivision shall not apply to any
37 jockey licensed prior to January 1, 2006.

38 (g) For the purposes of this section, “jockey weight” means
39 the weight of the jockey, nude, absent any riding gear or
40 clothing.

(h) For the purposes of this section, “riding gear” means any of the following items: anti-slip pad, arm number, boots, eye protection, foam pad, gloves, four pairs of goggles, helmet cover, leggings, metal stirrups, number cloth, overgirth, pants, pommel pad, rubber bands, saddle, saddle pad, safety helmet, safety vest, silks, socks, sock tie, t-shirt, turtleneck, undergirth, underwear, and whip. Riding gear does not include equipment worn on the horse’s head, tail, or legs, a channel, breastplate, or running martingale, or any foul weather gear that the jockey chooses to wear due to inclement weather.

(i) The provisions of subdivision (a) shall not affect or alter apprentice allowances.

SEC. 3. Section 19582.5 of the Business and Professions Code is amended to read:

19582.5. The board may adopt regulations that prohibit the entry in a race of a horse that tests positive for a drug substance in violation of Section 19581. Upon a finding of a prohibited drug substance in an official test sample, a horse may be summarily disqualified from the race in connection with which the drug sample was taken. Upon the disqualification of a horse pursuant to these regulations, any purse, prize, award, or record for that race shall be forfeited. However, unless the board determines that the jockey engaged to ride the horse administered the prohibited substance, the jockey is entitled to the mount fee and ~~performance pay~~ *riding fee*, as defined in Section 19502, and shall be paid accordingly. *The jockey’s share of the purse, prize, or award shall be paid by the person or persons responsible for administering the prohibited substance, or if responsibility cannot be determined by the board, by the person who is responsible for the condition of the horse pursuant to subdivision (a) of Section 1887 of Title 4 of the California Code of Regulation.*

SEC. 4. Section 19612.9 of the Business and Professions Code is amended to read:

19612.9. (a) (1) Except as provided in subdivision (d) of Section 19601, unclaimed refunds shall be distributed to the board for the purpose of negotiating, in good faith, an agreement of at least three years’ duration with a jockeys’ organization to provide health and welfare benefits to California licensed jockeys, former California licensed jockeys, and their dependents

1 if those persons contribute to the plan and do not receive welfare
2 benefits pursuant to Section 19613.

3 (2) The amount of money distributed annually pursuant to this
4 section shall be held in trust solely for the purpose described in
5 this section and shall not exceed four hundred fifty thousand
6 dollars (\$450,000), adjusted annually for inflation. The board
7 shall determine the inflation adjustment based on an index
8 quantifying changes in the cost of health insurance benefits.

9 (3) If an agreement is not reached before the regular meeting
10 of the board in November of any calendar year, the board, on its
11 own motion, shall provide that the provisions of the existing
12 agreement, if any, shall remain in effect until a subsequent
13 agreement is reached.

14 (b) The jockeys' organization referred to in subdivision (a)
15 shall represent a majority of the jockeys licensed by the board,
16 and the board shall initially certify that the organization
17 represents the majority of those licensed jockeys. The
18 organization shall maintain an office in this state. The
19 organization certified by the board shall provide an annual audit
20 of the health and welfare fund established pursuant to this
21 section. The organization shall make available to the board all
22 records and documents necessary for the performance of its
23 duties.

24 (c) The jockeys' organization certified by the board shall
25 develop reasonable nondiscriminatory criteria for eligibility for
26 health and welfare benefits.

27 (d) The agreement shall be approved by the board and, if
28 approved, no other entity licensed in this state shall be required
29 to enter into an agreement for the purposes of this section.

30 SEC. 5. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the
35 penalty for a crime or infraction, within the meaning of Section
36 17556 of the Government Code, or changes the definition of a
37 crime within the meaning of Section 6 of Article XIII B of the
38 California Constitution.

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